

16569 U.S. PTO  
021004

CERTIFICATE OF EXPRESS MAIL	
NUMBER	EV 323283904 US
DATE OF DEPOSIT	<u>February 10, 2004</u>

17510 U.S. PTO  
10/775959  
021004

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Atty. Dkt. No.: TWAV:004USD2**

**Prior Application Examiner:  
Jastrzab, Jeffrey R.**

**BOX PATENT APPLICATION**  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Classification Designation:  
607-149000**

**Prior Group Art Unit: 3762**

**REQUEST FOR FILING DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/616,769 filed July 14, 2000, entitled "RF DIATHERMY AND FARADIC MUSCLE STIMULATION TREATMENT," which application is a divisional application of U.S. Patent No. 6,094,599, which issued on July 25, 2000.

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/616,769 as originally filed, including abstract, claims, specification, informal drawings, and inventors' declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/616,769.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number , filed in is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No.

☐ 2. The Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

☒ 3. Enclosed is a check in the amount of \$770 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$770.00
Total Claims	10 - 20 =	0 X	\$18.00 =	\$ .00
Independent Claims	1 - 3 =	0 X	\$86.00 =	\$ .00
Multiple Dependent Claim(s) -----				\$-0-.00
<b>TOTAL FILING FEES:</b>				<b>\$770.00</b>
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE

- ☐ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☐ (b) Small entity statements were filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Fulbright & Jaworski L.L.P. Deposit Account No.: 50-1212/TWAV:004USD2/DDB.
- ☒ 6. Enclosed is a copy of the current Power of Attorney in the prior application, executed on behalf of co-assignees EHTI Medical Corporation and The United States of America, as Represented by the Secretary of the Navy.

- ☒ 7. Address all future communications to:

David D. Bahler, Esq.  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
Telephone: 512/536-3005

- ☒ 8. The prior application is presently assigned to EHTI Medical Corporation and The United States of America, as Represented by the Secretary of the Navy.

- ☐ 9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.

- ☒ 10. Cancel in this application claims 1-12 and 23-27 of the prior application before calculating the filing fee. (At least one original independent claim must be retained).

- ☒ 11. Amend the specification by inserting before the first line the sentence: --This is a divisional of co-pending application Serial No. 09/616,769 filed July 14, 2000, which application is a divisional application of U.S. Patent No. 6,094,599, which issued on July 25, 2000.--

- ☒ 12. Enclosed are formal drawings.

- ☐ 13. An Information Disclosure Statement (IDS) is enclosed.

☐ (a) PTO-1449.

☐ (b) Copies of IDS citations.

- ☐ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, for use in this

application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. filed . Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

- ☐ 15. Other:
- ☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



David D. Bahler  
Reg. No. 30,932  
Attorney for Applicants

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Date: February 10, 2004